

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

ELLEN CHEEKS,

Plaintiff,

v.

CITY OF AUSTIN HOUSING (AHFC)  
and CONSTABLE PRECINCT 5,

Defendants.

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1:24-CV-926-DII

**ORDER**

Before the Court is the report and recommendation from United States Magistrate Judge Mark Lane concerning Plaintiff Ellen Cheeks (“Plaintiff”) Complaint, (Dkt. 1). (R. & R., Dkt. 6). In the report and recommendation, Judge Lane recommends that this Court dismiss Plaintiff’s case for want of prosecution and failure to comply with a court order. (*Id.*). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Lane issued his report and recommendation on November 5, 2024. (*Id.*). A copy of the report and recommendation was sent by certified mail to Plaintiff on the following day, (Dkt. 7), and it appears that the report and recommendation was delivered at least by November 18, 2024, (Dkt. 8). As of the date of this order, Plaintiff has not filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge’s proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee’s note (“When no

timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because Plaintiff has not filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 6), is **ADOPTED**. Plaintiff’s Complaint, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE**. The Court will enter final judgment by separate order.

**IT IS FINALLY ORDERED** that the Clerk’s Office mail a copy of this Order to Plaintiff via certified mail.

**SIGNED** on December 6, 2024.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written over a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE